

## Erin Leahy

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**From:** Erin Leahy  
**Sent:** Monday, February 3, 2025 12:54 PM  
**To:** Neil Ende; Nayer Tracy  
**Cc:** Greg Taylor; Meislik Alyse; Swetnam Douglas; Jones Dylan; Dilweg Laura; Singer Nelson Michel; Crotty Patrick; Pelton Sarah; Sparko Rochelle; Martindale Thomas; Nayer Tracy  
**Subject:** RE: Response to Settlement Issues  
**Attachments:** RE: Rule 408 Communication - AZ. v. Michael Lansky, dba Avid Telecom, No. 4:23-cv-00233 (D. Ariz. 2023); Re: Rule 408 Communication - AZ. v. Michael Lansky, dba Avid Telecom, No. 4:23-cv-00233 (D. Ariz. 2023)

Neil,

Thank you for agreeing to the extension until Friday, February 7<sup>th</sup>. We can confirm that our responses will include substantive documents and objections. We will serve our responses and begin production on Friday. There are documents that we will withhold until the protective order is in place. Additionally, we will need to have additional discussion on establishing an ESI protocol, particularly given that the call detail records alone are 7 terabytes of data.

We are happy to set up a call to discuss finalizing the protective order and an ESI protocol after the settlement conference next week. For your convenience, I am attaching the last two emails we exchanged on the protective order.

Thanks, Erin



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**From:** Neil Ende <nende@tlgdc.com>  
**Sent:** Saturday, February 1, 2025 5:40 PM  
**To:** Nayer Tracy <Nayer@ncdoj.gov>  
**Cc:** Greg Taylor <gtaylor@tlgdc.com>; Meislik Alyse <Alyse.Meislik@azag.gov>; Swetnam Douglas <douglas.swetnam@atg.in.gov>; Jones Dylan <Dylan.Jones@azag.gov>; Erin Leahy <erin.leahy@OhioAGO.gov>; Dilweg Laura <Laura.Dilweg@azag.gov>; Singer Nelson Michel <michel.singernelson@coag.gov>; Crotty Patrick

<Patrick.Crotty@myfloridalegal.com>; Pelton Sarah <Sarah.Pelton@azag.gov>; Sparko Rochelle <rsparko@ncdoj.gov>;  
Martindale Thomas <Thomas.Martindale@atg.in.gov>; Nayer Tracy <Tnayer@ncdoj.gov>

**Subject:** Re: Response to Settlement Issues

Tracy:

Hello. We hope you're doing well.

We are always pleased to grant extensions in good faith. The only issue is that, in return for our good faith, you confirm that we will be getting substantive responses (i.e., not just objections) to at least a significant portion of the discovery requests (which, in our minds, justify your need for more time).

Please confirm and extension is yours.

Neil S. Ende  
Managing Partner  
Technology Law Group  
202.256.0120  
TLG Conference Bridge:  
703.229.6741, PIN: 854#

Sent from my iPhone

On Jan 30, 2025, at 11:05 AM, Nayer, Tracy <[Tnayer@ncdoj.gov](mailto:Tnayer@ncdoj.gov)> wrote:

Neil and Greg,

Thanks for the email. Hope you're enjoying the time away from the office that you said you would be taking this week, Neil.

We appreciate your follow up and, based on Greg's prior allowance of two additional days and the application of the rules, our intention has been to provide our responses to Defendants' First RFPs and RFAs by Monday, February 3, 2025.

However, in light of the timing of the service of Defendants' discovery over the holidays, our work coordinating responses with our co-Plaintiffs, and preparation for the upcoming settlement conference, we will likely need some additional days to prepare our responses.

Please let us know if your client would object to an extension to next Friday, February 7, 2025, for Plaintiffs to provide responses to Defendants' First RFPs and RFAs.

Thanks for your consideration,  
Tracy



**Tracy Nayer**

Special Deputy Attorney General

Consumer Protection Division

North Carolina Department of Justice

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Please note messages to or from this address may be public records.

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**From:** Neil Ende <[nende@tlgdc.com](mailto:nende@tlgdc.com)>

**Sent:** Wednesday, January 29, 2025 7:45 PM

**To:** Nayer, Tracy <[Tnayer@ncdoj.gov](mailto:Tnayer@ncdoj.gov)>

**Cc:** Greg Taylor <[gtaylor@tlgdc.com](mailto:gtaylor@tlgdc.com)>; Meislik Alyse <[Alyse.Meislik@azag.gov](mailto:Alyse.Meislik@azag.gov)>; Swetnam Douglas <[douglas.swetnam@atg.in.gov](mailto:douglas.swetnam@atg.in.gov)>; Jones Dylan <[Dylan.Jones@azag.gov](mailto:Dylan.Jones@azag.gov)>; Leahy Erin <[erin.leahy@ohioago.gov](mailto:erin.leahy@ohioago.gov)>; Dilweg Laura <[Laura.Dilweg@azag.gov](mailto:Laura.Dilweg@azag.gov)>; Singer Nelson Michel <[michel.singernelson@coag.gov](mailto:michel.singernelson@coag.gov)>; Crotty Patrick <[Patrick.Crotty@myfloridalegal.com](mailto:Patrick.Crotty@myfloridalegal.com)>; Pelton Sarah <[Sarah.Pelton@azag.gov](mailto:Sarah.Pelton@azag.gov)>; Sparko, Rochelle <[rsparko@NCDOJ.GOV](mailto:rsparko@NCDOJ.GOV)>; Martindale Thomas <[Thomas.Martindale@atg.in.gov](mailto:Thomas.Martindale@atg.in.gov)>

**Subject:** Re: Response to Settlement Issues

Tracy:

I believe that your discovery responses are due tomorrow, January 30 (30 days following service on December 31). However, as a courtesy, we will not object if service of your substantive responses is provided by February 3.

Please confirm that you intend to serve substantive responses no later than February 3.

Thank you.

Neil S. Ende

Managing Partner

Technology Law Group

202.256.0120

TLG Conference Bridge:

703.229.6741, PIN: 854#

Sent from my iPhone

On Jan 24, 2025, at 1:23 PM, Nayer, Tracy <[Tnayer@ncdoj.gov](mailto:Tnayer@ncdoj.gov)> wrote: